

REMARKS

Response to Restriction Requirement

The Examiner requires restriction to one of the following three Groups:

Group I: Claims 1-20, drawn to a resorbable implant material;

Group II: Claims 21-30, drawn to a method of making a resorbable implant material; and

Group III: Claims 31-35, drawn to a method of administering radiotherapy to a patient.

Applicants hereby provisionally elect **Group I**, which covers, according to the Office Action, claims 1-20, drawn to a resorbable implant material, **with traverse**. Applicants reserve their right to request rejoinder and to file one or more divisional applications to the non-elected subject matter.

The Office Action asserts that Groups I-III do not relate to a single general inventive concept because they lack the same or corresponding special technical features. Specifically, the Office Action contends that biodegradable glass rare earth-lithium borate glass implant material is known in the art for the use in radiotherapy. *See* Office Action, page 2 (citing WO 00/44682). The Office Action also asserts that ⁹⁰Y containing radioactive biodegradable glass material (i.e., phosphate) was described for use in radiotherapy. *See id.* (citing U.S. Patent No. 6,455,024).

Applicants respectfully disagree. Applicants submit that the cited references do not teach a special technical feature of the invention—a resorbable implant material comprising, *inter alia*, a resorbable base glass matrix that does not require high energy particle irradiation to convert one or more stable isotopes into radioactive isotopes. Rather, the cited references require neutron activation to convert isotopes into radioactive isotopes. *See* WO 00/44682, claim 1 (“...wherein RE is a neutron activatable rare earth element which, upon being subjected to an effective amount of neutron irradiation, will produce a beta or gamma emitting radioisotope...”); U.S. Patent No. 6,455,024, claim 1 (“...the radionuclide being activated by neutron bombardment after the formation of the particle...”). Accordingly, Groups I-III relate to a single general inventive concept.

In view of the foregoing, Applicants respectfully request that the restriction requirement be withdrawn.

CONCLUSION

In view of the above remarks, early notification of a favorable consideration is respectfully requested. An indication of allowance of all claims is respectfully requested.

This response is being filed within the one-month time period set forth in the Restriction Requirement. Accordingly, no fees are due. Should any fees be due to enter and consider this response, however, the USPTO is authorized to charge these fees to **Deposit Account No. 50-0206**.

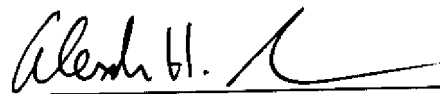
If the Examiner has any questions relating to this response, or the application in general, she is respectfully requested to contact the undersigned so that prosecution of this application may be expedited.

Respectfully submitted,

HUNTON & WILLIAMS LLP

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By:


Robert M. Schulman
Registration No. 31,196

Alexander H. Spiegler
Registration No. 56,625

HUNTON & WILLIAMS LLP
Intellectual Property Department
1900 K Street, N.W., Suite 1200
Washington, DC 20006-1109
(202) 955-1500 (telephone)
(202) 778-2201 (facsimile)